

REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application.

§102/§103 Rejections

Claims 18 and 20-21 are rejected under 35 U.S.C. §102(a) as allegedly being anticipated by RealPlayer G2™ © 1998 (hereinafter, RealPlayer) as supported by the screenshots provided with the original PTO-892 Notice of References cited mailed 9/25/02, and the press release "Realnetworks Ships Final Release of Realsystem G2, Next Generation Media Delivery System" (hereinafter "Press Release") provided with the PTO-892 Notice of References cited mailed 2/27/03. In the alternative, claims 18 and 20-21 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over RealPlayer and the Press Release. Applicant respectfully traverses the rejections.

Claim 18 recites in part:

a graphical user interface of a Web browser *displaying Web page content in a browser pane . . .*

at least one speaker for playing a first source of streaming media

.... said graphical user interface comprising a radio toolbar for displaying at least one button capable of controlling said first source of streaming media irrespective of *the Web page content being browsed*.

(emphasis added).

The Office admits that RealPlayer does not show (e.g., in the screenshots of RealPlayer) that the radio toolbar of RealPlayer has at least one button for controlling the first source of streaming media irrespective of the Web page content being browsed (Office Action, page 3). The Office asserts, however, that the screenshots

1 of RealPlayer imply that the radio toolbar of RealPlayer has at least one button for
2 controlling the first source of streaming media irrespective of the Web page content
3 being browsed. As examples, the Office indicates that the “preset stations and the
4 auto update feature are irrespective of each other”, and that “the user of RealPlayer
5 may search the Web while playing the streaming media, as indicated by the ‘excite’
6 and ‘search’ areas within screenshot 2”. The Office further relies on the Press
7 Release under the section, “RealAudio and RealVideo Search”, as describing
8 integrating the RealPlayer with a Web browser.

9 The “AutoUpdate” feature of RealPlayer “enables . . . users to always be up-
10 to-date with the latest player technology. AutoUpdate automatically notifies users
11 when new updates to RealPlayer G2 are available for electronic download,
12 simplifying installation since updates are now only one button away”. (Press
13 Release, page 2, AutoUpdate section). Regarding the “Presets” in RealPlayer, there
14 is no indication from the Press Release or from RealPlayer itself (e.g., screenshot 2)
15 that the “Presets” are anything but a preferred list of preset channels that a user can
16 switch between to access desired media. Nothing in the Press Release or RealPlayer
17 indicates that accessing media using a Preset and AutoUpdates occur irrespective of
18 one another as the Office suggests. In fact, the RealPlayer screenshot 2 clearly
19 indicates that the only thing happening is that the AutoUpdate feature is providing an
20 update notice. RealPlayer is not delivering other media at that time. The
21 AutoUpdate feature is informing a user that the present version of RealPlayer cannot
22 deliver the desired media (and therefore, *is not* playing the media), and that
23 RealPlayer needs to be updated *prior to* RealPlayer delivering the media. In
24 screenshot 2, the tracking line on the tool bar next to the play, pause, and stop
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1 buttons clearly shows that no other media is being played by RealPlayer while the
2 AutoUpdate feature is presenting the update notification.

3 Furthermore, the description of the AutoUpdate feature in the Press Release
4 indicates that "updates are now only one button away". Along with screenshot 2,
5 this indicates that active participation by a user (by clicking a button) directs
6 RealPlayer to perform an update, and that during such updates RealPlayer does not
7 deliver other media.

8 Thus, there is nothing about the AutoUpdate feature and/or the Presets of
9 RealPlayer either from the screenshots or the Press Release that expresses or implies
10 that the radio toolbar of RealPlayer has at least one button for controlling the first
11 source of streaming media irrespective of the web page content being browsed.

12 Moreover, and perhaps more importantly, in rejecting claim 18 the Office
13 seems to misunderstand the "call of the claim", so to speak. That is, claim 18 recites
14 that the Web browser is "*displaying Web page content in a browser pane*", and
15 that this Web page content is "*the Web page content being browsed*" (emphasis
16 added). The Office, however, does not assert that RealPlayer is *displaying* the Web
17 page content that is *being browsed*. Rather, the Office asserts that the radio toolbar
18 of RealPlayer has at least one button for controlling the first source of streaming
19 media irrespective of the web page content *being browsed*. There is no assertion that
20 the Web page content being browsed in RealPlayer is the Web page content being
21 displayed in RealPlayer. This is not surprising, however, because even if RealPlayer
22 permitted "controlling the first source of streaming media irrespective of the web
23 page content being browsed", as the Office asserts and Applicant disputes above, the
24 web page content being browsed in RealPlayer is not the web page content being
25 displayed in RealPlayer. The Office as much as admits this by stating on page 3 that

1 “the user of RealPlayer may search the Web while playing the streaming media, as
2 indicated by the ‘excite’ and ‘search’ areas within screenshot 2”. In addition, the
3 Office states that “The current streaming media will continue to play *until the user*
4 *selects a different streaming media* from the search results” (emphasis added). If
5 streaming media is being displayed by RealPlayer (e.g., in screenshot 2), then
6 RealPlayer cannot also be displaying Web content that it is searching using the
7 “excite” search bar. Thus, it is clear that RealPlayer cannot be “*displaying Web*
8 *page content in a browser pane*”, that is “*the Web page content being browsed*”,
9 as is recited in claim 18. To put it another way, RealPlayer does not display Web
10 page content that it is currently browsing at the same time that it is “playing a first
11 source of streaming media”. As the Office admits, “current streaming media will
12 continue to play *until the user selects a different streaming media* from the search
13 results”. Therefore, it cannot reasonably be said “that the radio toolbar of
14 RealPlayer has at least one button for controlling the first source of streaming media
15 irrespective of the web page content being browsed”, because the “Web page content
16 being browsed” is not also being displayed.

17 In addition, the RealPlayer screenshots indicate that RealPlayer is configured
18 such that there is no physical location available in which to display Web page
19 content being browsed while RealPlayer also displays a first source of streaming
20 media. Referring to screenshot 2, the dark area on the left side of the screenshot is
21 used by RealPlayer as a list of Channels from which a user may select to have
22 media from a selected channel displayed in the area on the right side of the
23 screenshot. Thus, even if Web page content is being browsed using the “excite”
24 search feature, that browsed Web page content is not also being displayed at the
25 same time RealPlayer displays other streaming media. Therefore, it is erroneous

1 to say "that the radio toolbar of RealPlayer has at least one button for controlling the
2 first source of streaming media irrespective of the web page content being browsed",
3 because the Web page content being browsed in RealPlayer is not also being
4 displayed in RealPlayer.

5 For the various reasons discussed above, it is clear that the cited references
6 fail to teach, suggest, or imply the elements of Applicant's claim 18. "A claim is
7 anticipated only if each and every element as set forth in the claim is found, either
8 expressly or inherently described, in a single prior art reference" (MPEP 2131).
9 Because the cited references do not set forth all the elements of claim 18, claim 18 is
10 not anticipated by the references. Accordingly, the 102(a) rejection to Applicant's
11 claim 18 is not supported and should be removed. Applicant respectfully requests
12 that the 102(a) rejection of claim 18 be removed.

13 Further, regarding the 103(a) rejection, it is well-established that a prima
14 facie case of obviousness requires that the prior art reference (or references when
15 combined) must teach or suggest all the claim limitations (MPEP 2142, 2143).
16 Because the prior art references fail to teach or suggest all the elements of
17 Applicant's claim 18, the 103(a) rejection cannot stand. Applicant therefore
18 respectfully requests that the 103(a) rejection of claim 18 be withdrawn.

19 Regarding the 103(a) rejection of claim 18, the Office asserts that it would
20 have been obvious "to ensure that the buttons in the radio toolbar of RealPlayer
21 control the first source of streaming media irrespective of the Web page content
22 being browsed". However, as noted above, RealPlayer does not teach that the
23 Web page content being browsed is also being displayed. Rather, at best, any
24 Web content being browsed cannot be displayed while RealPlayer also displays
25 streaming media. Various aspects of RealPlayer, such as the left area of

1 screenshot 2 which shows a list of Channels from which a user may select while
2 the right area of screenshot 2 displays media, reveal that RealPlayer is not
3 suggesting that "the buttons in the radio toolbar of RealPlayer control the first
4 source of streaming media irrespective of the Web page content being browsed"
5 where the Web page content being browsed is *also being displayed*. Based on
6 both the RealPlayer screenshots and the Press Release as discussed above, it is
7 more appropriate to say that RealPlayer teaches away from this notion. Therefore,
8 it is not accurate to say it would be obvious "to ensure that the buttons in the radio
9 toolbar of RealPlayer control the first source of streaming media irrespective of
10 the Web page content being browsed". For these additional reasons, the 103(a)
11 rejection of claim 18 cannot stand, and Applicant respectfully requests that this
12 rejection be withdrawn.

13 **Claims 20-21** include various elements which parallel those elements of
14 claim 18 already discussed above. More specifically, claim 20 recites in part:

15 a graphical user interface of a Web browser displaying Web
16 page content in a browser pane . . .

17 at least one speaker for playing a first source of streaming
18 media . . .

19 said graphical user interface comprising at least one explorer
20 bar . . . allowing user input regarding the first source of streaming
21 media irrespective of the Web page content present in the browser
22 pane.

23 Claim 21 recites in part:

24 a radio server component for playing a radio source of
25 streaming media irrespective of content being displayed in a
simultaneously used Web browser . . .

an interfacing component for communicating with the radio
server component . . .

1 at least one radio client component communicating through the
2 interfacing component in order to provide instructions to the radio
3 server component regarding the radio source of streaming media.

4 In addition, the Office rejects claims 20-21 with the same references and
5 reasoning used in its rejection of claim 18. Therefore, the arguments set forth
6 above regarding the rejection of claim 18 apply equally to the rejection of claims
7 20-21. Accordingly, both the 102(a) and 103(a) rejections of claim 20-21 are not
8 supported by the cited prior art, and Applicant respectfully requests that these
9 rejections of claims 20-21 be removed.

10 **Claim 19** is rejected under 35 U.S.C. §103(a) as allegedly being
11 unpatentable over RealPlayer and Applicant's Admitted Prior Art (hereinafter
12 AAPA). Applicant respectfully traverses the rejections.

13 Claim 19 includes various elements which parallel those elements of claim
14 18 already discussed above. More specifically, claim 19 recites in part:

15 a graphical user interface of a Web browser displaying Web
16 page content in a browser pane . . .

17 at least one speaker for playing a first source of streaming
18 media . . .

19 said graphical user interface comprising:

20 a) a radio toolbar displaying a plurality of radio-toolbar
21 buttons for controlling said first source of streaming media
22 irrespective of the Web page content being browsed

23 As clarified herein above with respect to arguments set forth regarding
24 parallel elements of claim 18, RealPlayer does not teach or suggest these elements.
25 Furthermore, AAPA is cited only for its purported teaching of a toolbar which
contains a play button, mute button, volume slider, and information area, and to
support an assertion that it would have been obvious to place the volume, slider,
radio-station buttons, and information area of RealPlayer in the same toolbar as

1 the play button as shown in the AAPA. However, AAPA is not cited for, nor is
2 there present within the AAPA, any suggestion of the elements noted above in
3 claim 19, and as argued above with respect to claim 18. Accordingly, AAPA does
4 not remedy the deficiencies of the RealPlayer screenshots and the Press Release
5 noted above, and claim 19 is allowable over the combination of these references
6 for these additional reasons.

7
8 **Conclusion**

9 All pending claims, 18 - 21, are believed to be in condition for allowance.
10 Applicant respectfully requests reconsideration and prompt issuance of the present
11 application. Should any issue remain that prevents immediate issuance of the
12 application, the Examiner is encouraged to contact the undersigned attorney to
13 discuss the unresolved issue.

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16 Respectfully Submitted,

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19 Dated: 01/20/04

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